

SUMMARY REPORT OF INVESTIGATION¹

Date/Time/Location of Incident:	September 27, 2015, at approximately 12:00 AM at or near [REDACTED] S. Lowe Ave., Chicago, IL 60621
Date/Time of COPA Notification:	September 28, 2015, at 12:47 PM
Involved Officer #1:	[REDACTED] Star# [REDACTED] Employee# [REDACTED] DOA: [REDACTED]/1994, Rank: Lieutenant, UOA: [REDACTED] District, Detailed to Unit [REDACTED] DOB: [REDACTED] 1967, Male, White
Involved Officer #2:	[REDACTED] Star# [REDACTED] Employee# [REDACTED] Rank: Sergeant, UOA: [REDACTED] District, Detailed to Unit [REDACTED] DOB: [REDACTED] 1981, Male, Asian
Involved Officer #3:	[REDACTED] Star# [REDACTED] Employee# [REDACTED] Rank: Police Officer, UOA: [REDACTED] District, DOB: [REDACTED] 1983, White, Male
Involved Officer #4:	[REDACTED] Star# [REDACTED] Employee# [REDACTED] DOA: [REDACTED]/2012, Rank: Police Officer, UOA: [REDACTED] District, DOB: [REDACTED] 1983, Male, Hispanic
Involved Officer #5:	[REDACTED] [REDACTED] Star#: [REDACTED] Employee# [REDACTED] Rank: Police Officer, UOA: Unit [REDACTED] DOB: [REDACTED] 1983, Male, White
Involved Officer #6:	[REDACTED] Star# [REDACTED] Employee# [REDACTED] Rank: Police Officer, UOA: [REDACTED] District
Involved Individual #1:	[REDACTED] /1958, Female, Black
Involved Individual #2:	[REDACTED] /1995, Female Black
Case Type:	Excessive Force

¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

I. ALLEGATIONS

Officer	Allegation	Finding
Lt. [REDACTED]	<p>It is alleged that on September 27, 2015, at [REDACTED] S. Lowe Ave., at approximately 12:00 AM, then Sgt. [REDACTED]</p> <ol style="list-style-type: none"> 1. Had an unjustified physical contact with [REDACTED] to wit, grabbed and twisted her arm causing injury; 2. Had an unjustified physical contact with [REDACTED] pushing her against a CPD vehicle and knocked her cellular phone from her hand. 	<p>Not Sustained</p> <p>Unfounded</p>
Sgt. [REDACTED]	<p>It is alleged that on September 27, 2015, at [REDACTED] S. Lowe Ave., at approximately 12:00 AM, then Officer [REDACTED]</p> <ol style="list-style-type: none"> 1. Had an unjustified physical contact with [REDACTED] to wit, grabbed and twisted her arm causing injury; 2. Had an unjustified physical contact with [REDACTED] pushing her against a CPD vehicle and knocked her cellular phone from her hand. 	<p>Not Sustained</p> <p>Unfounded</p>
Officer [REDACTED]	<p>It is alleged that on September 27, 2015, at [REDACTED] S. Lowe Ave., at approximately 12:00 AM, Officer [REDACTED]</p> <ol style="list-style-type: none"> 1. Had an unjustified physical contact with [REDACTED] to wit, grabbed and twisted her arm causing injury; 2. Had an unjustified physical contact with [REDACTED] pushing her against a CPD vehicle and knocked her cellular phone from her hand. 	<p>Not Sustained</p> <p>Unfounded</p>

Officer [REDACTED]	<p>It is alleged that on September 27, 2015, at [REDACTED] S. Lowe Ave., at approximately 12:00 AM, Officer [REDACTED]</p> <p>1. Had an unjustified physical contact with [REDACTED] to wit, grabbed and twisted her arm causing injury;</p> <p>2. Had an unjustified physical contact with [REDACTED] pushing her against a CPD vehicle and knocked her cellular phone from her hand.</p>	Not Sustained Unfounded
Officer [REDACTED]	<p>It is alleged that on September 27, 2015, at [REDACTED] S. Lowe Ave., at approximately 12:00 AM, Officer [REDACTED]</p> <p>1. Had an unjustified physical contact with [REDACTED] to wit, grabbed and twisted her arm causing injury;</p> <p>2. Had an unjustified physical contact with [REDACTED] pushing her against a CPD vehicle and knocked her cellular phone from her hand.</p>	Not Sustained Unfounded
Officer [REDACTED]	<p>It is alleged that on September 27, 2015, at [REDACTED] S. Lowe Ave., at approximately 12:00 AM, Officer [REDACTED]</p> <p>1. Had an unjustified physical contact with [REDACTED] to wit, grabbed and twisted her arm causing injury;</p> <p>2. Had an unjustified physical contact with [REDACTED], pushing her against a CPD vehicle and knocked her cellular phone from her hand.</p>	Not Sustained Unfounded

II. SUMMARY OF EVIDENCE²

COPA's investigation includes interviews with the accused officers, [REDACTED] and [REDACTED] complainants [REDACTED] and [REDACTED] Chicago Police Department ("CPD") reports, RD# [REDACTED] documenting arrests⁵, the original case incident report and detective supplementary reports⁶, involving the accused officers' actions. In addition, CPD Tactical Response Reports ("TRRs")⁷, Officers' Battery Reports⁸, medical records of complainants [REDACTED] and [REDACTED] Office of Emergency Management and Communications ("OEMC") event queries and radio transmissions¹⁰, and CPD evidence technician photographs taken on September 27, 2016 of Officer [REDACTED] and arrestees [REDACTED] ("[REDACTED]"¹², [REDACTED] ("[REDACTED]" and [REDACTED] [REDACTED] ("[REDACTED]" Body worn camera video was not available. Relevant third-party video consisted of the front main entrance video obtained for the [REDACTED] Elementary School at [REDACTED] S. Lowe Ave.¹³

Upon a review of the compiled evidence, COPA finds the following narrative occurred by a preponderance of the evidence. At or around midnight, September 27, 2015, at [REDACTED] S. Lowe Street, the [REDACTED] Apartments, the [REDACTED] District Tactical Team, manned by Sgt. [REDACTED] and Officers [REDACTED] [REDACTED] and [REDACTED] were informed by private security officers at the building of a large gang disturbance occurring at the location.¹⁴ As the officers began dispersing the large crowd, a fight broke out. A male, later identified as [REDACTED] was observed running from [REDACTED] S. Lowe holding his side as if armed. Officer [REDACTED] pursued [REDACTED] on foot. During the foot pursuit, [REDACTED] squared around to punch Officer [REDACTED] Officer [REDACTED] reacted and defensively struck [REDACTED] with a clenched fist. Officer [REDACTED] holstered his weapon and again struck [REDACTED] defensively with a clenched fist as he swung his arms attempting to strike the officer. Officer [REDACTED] brought [REDACTED] back

²COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence. As part of COPA's ongoing efforts to increase case closure capacity, certain cases opened under IPRA are summarized more succinctly in a Modified Summary Report of Investigation, pursuant to COPA Guideline Modified Summary Report of Investigation Template and Approvals, effective February 13, 2019.

³ Attachments 85, 86, 88, 90, 92 and 93.

⁴ Attachments 6 and 11.

⁵ Attachments 16, 21, 24, and 29

⁶ Attachments 14 and 15

⁷ Attachments 18, 23, 26, and 27

⁸ Attachments 19 and 28

⁹ Attachments 76 and 77

¹⁰ Attachments 46,47,59, and 60

¹¹ Attachment 53

¹² Attachments 54, 55, 56, and 57

¹³ Attachments 95

¹⁴ Lt. [REDACTED] and Sgt. [REDACTED] at that time were not promoted to their current ranks.

to [REDACTED] S. Lowe, the location of his tactical team. The situation at [REDACTED] S. Lowe escalated such that the officers called a 10-1, which meant that officers needed assistance.

Approximately twenty or more uniform and civilian dressed CPD officers responded to the assistance call at [REDACTED] S. Lowe. Fighting continued between the tactical team officers and [REDACTED] and [REDACTED] with all being eventually arrested. [REDACTED] was made aware by unknown persons that her grandson, [REDACTED] was being detained by armed uniformed and civilian attired private security officers that work at the building. [REDACTED] went outside the apartment building after observing an unidentified white plainclothes officer push [REDACTED]. As [REDACTED] approached where [REDACTED] was being held, an unidentified white plainclothes officer grabbed and twisted her arm behind her back. [REDACTED] was released by the unidentified white plainclothes officer and not arrested. [REDACTED] [REDACTED] who was seven months pregnant, had her phone knocked out of her hand by an unidentified private security officer while attempting to videotape the incident and stated that an someone, who came from behind her, pushed her onto a police vehicle. After the incident ended, [REDACTED] and [REDACTED] went to the St. Bernard Hospital Emergency Room for medical treatment and were released the same date. Officer [REDACTED] completed several Tactical Response Reports ("TRRs") and Officer's Battery Reports for his use of force involving [REDACTED] and [REDACTED]. Officer [REDACTED] completed a TRR for using O.C. Spray on [REDACTED] to stop his assault on Officer [REDACTED].

III. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct occurred and violated Department policy. See *Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. *See e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." *Id.* at ¶ 28.

IV. ANALYSIS AND CONCLUSION

COPA finds that allegation #1 against all officers is Not Sustained and allegation #2 against all is Unfounded. The CPD officers responded to a call from private security at the [REDACTED] Apartments, [REDACTED] S. Lowe, of a large gang disturbance. Upon arrival, Lt. [REDACTED] stated armed uniformed and plainclothes security officers with vests were in the crowd with the CPD officers. As the disturbance escalated, the CPD officers notified OEMC of a 10-1, officers need assistance, at the location. Approximately twenty or more uniformed and civilian dressed CPD officers responded to the location. During the melee, both CPD officers and armed uniform and plainclothes private security officers attempted to restore order. Both [REDACTED] and [REDACTED] corroborate Lt. [REDACTED] statement in their interviews that private security from the building were involved in the incident along with CPD plainclothes and uniformed officers. [REDACTED] could not identify whether it was a member CPD that twisted her arm. Based upon the preponderance of the evidence, COPA cannot conclude that it is more likely than not either Lt. [REDACTED] Sgt. [REDACTED] or Officers [REDACTED] and [REDACTED] twisted the arm of [REDACTED]. Therefore allegation #1 is Not Sustained.

[REDACTED] statement that a private security officer knocked her phone from her hand corroborates Lt. [REDACTED] and Officers [REDACTED] and [REDACTED] denial of that action. [REDACTED] could not identify who it was that pushed her from behind. COPA concludes that there is clear and convincing evidence that it was not a member of CPD who pushed her. All of the CPD officers denied it, and since she could not positively identify that it was a CPD officer, allegation #2 is Unfounded.

Approved:

Angela Hearts-Glass
Deputy Chief Administrator – Chief Investigator

Date

8-23-19

Appendix A

Assigned Investigative Staff

Squad#:	10
Investigator:	[REDACTED]
Supervising Investigator:	
Deputy Chief Administrator:	Angela Hearts-Glass